

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Provision of Directory Listing Information)	CC Docket No. 99-273
Under the Communications Act of 1934,)	
As Amended)	
)	
The Use of N11 Codes and Other Abbreviated)	CC Docket No. 92-105
Dialing Arrangements)	
)	
Administration of the North American)	CC Docket No. 92-237
Numbering Plan)	

**COMMENTS OF THE
NATIONAL EXCHANGE CARRIER ASSOCIATION, INC.**

The National Exchange Carrier Association, Inc. (NECA) submits these comments in response to the Commission's *Notice of Proposed Rulemaking* (NPRM) in the above-captioned proceeding.¹

I. INTRODUCTION

The Commission seeks comment on proposed methods of promoting competition and choice in the retail directory assistance (DA) market.² The Commission asks for comment on Telegate, Inc.'s (Telegate's) proposals to implement 411 presubscription,³ as

¹ Provision of Directory Listing Information Under the Communications Act of 1934, As Amended, CC Docket No. 99-273, The Use of N11 Codes and Other Abbreviated Dialing Arrangements, CC Docket No. 92-105, Administration of the North American Numbering Plan, CC Docket No. 92-237, *Notice of Proposed Rulemaking*, 17 FCC Rcd 1164 (2002) (*NPRM*).

² *Id.* at ¶ 1.

³ *Id.* at ¶ 2.

well as on other potentially less costly solutions for promoting competitive DA services, such as alternative numbering mechanisms or access numbers.⁴

II. THE COMMISSION SHOULD NOT IMPOSE UNNECESSARY BURDENS ON RURAL CARRIERS.

Either one of Telegate's presubscription options⁵ could impose a significant economic burden on rural carriers without any appreciable benefit for rural subscribers. For example, Telegate estimates that the total investment to establish "nationwide" DA presubscription using AIN, its recommended option, would be less than \$23 million.⁶ Telegate fails to include in its estimate any allowance for expenditures to upgrade local switches to AIN capability, however, explaining that AIN capability is assumed to be "operational in Class 5 local switches that serve well over 90% of the total access lines in the country today."⁷

Many access lines in rural America are not served by AIN-capable switches. A requirement to upgrade non-AIN-capable switches would impose substantial costs on rural

⁴ *Id.* at ¶ 44.

⁵ Telegate proposed to implement DA presubscription either through use of the Advanced Intelligent Network (AIN) platform or by developing the capability to reprogram all central office switches to connect to a subscriber's preselected DA provider when 411 is dialed. See *Id.* at ¶24. Switch vendors Nortel and Lucent have reported that the call processing and translations capability of their present switching system software cannot support the latter option. *Id.* at ¶28.

⁶ *Id.* ¶ 30. See also Affidavit of John M. Celantano (*Celantano affidavit*) at ¶ 51, attached to *ex parte* letter from Kelly Cameron, Powell, Goldstein, Frazer, and Murphy LLP on behalf of Telegate, Inc., Provision of Directory Listing Information Under the Telecommunications Act of 1934, As Amended, CC Docket No. 99-273 (filed March 10, 2000) (*Telegate proposal*).

⁷ See *Celantano affidavit* at ¶ 24.

local exchange carriers (LECs). Rural LECs serve about 8% of the nation's access lines but cover 38% of the nation's land area.⁸ They have substantially fewer lines per switch than do non-rural LECs.⁹ This only adds to the disproportionate economic burden rural carriers would face if required to upgrade.

Since rural areas have been slow to see other forms of competition develop, there is no reason to think retail DA competition would be any different. While the cost to rural carriers is likely to be large, the benefits to rural customers are dubious at best. Rural carriers should not be required to incur unnecessary expense for uncertain subscriber benefits.¹⁰

Respectfully submitted,

NATIONAL EXCHANGE CARRIER
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⁸ See Rural Task Force, White Paper 2, January 2000, at pp. 8, 18 (*RTF White Paper 2*).

⁹ *Id.* at pp. 11, 44-45.

¹⁰ Should the Commission decide to implement DA presubscription, it should exempt rural companies from this requirement absent receipt of a request. An exemption would be consistent with section 251(f) (47 U.S.C. 251(f)) rural exemption provisions as well as with other Commission policies concerning equal access and implementation of LNP capability. In addition, the Commission should provide for a cost mechanism that allows carriers to recoup any expenditures incurred as the result of a requirement to implement DA presubscription.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Comments was served this 1st day of April 2002, by electronic delivery to the persons listed below.

By: /s/ Shawn O'Brien
Shawn O'Brien

The following parties were served:

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